



Information for lawyers and academics

Defence Legislation Amendment (Accelerating Capability and Protecting Bases) Bill 2026

The Defence Legislation Amendment (Accelerating Capability and Protecting Bases) Bill 2026 modernises key elements of Australia's Defence legislative framework.

The Bill establishes a new Defence Capability Framework and a new Defence Security Zone Framework intended to support Defence capability development, preparedness and security requirements in a contemporary strategic environment.

Activities undertaken under these frameworks will occur within clear statutory authorities enacted by Parliament and supported by appropriate safeguards, oversight and accountability mechanisms.

Why is legislative reform needed?

Australia's strategic environment, Defence capability development processes and security requirements have changed significantly over recent decades.

Existing legislative arrangements have developed incrementally and can be fragmented, resulting in different legal frameworks applying to similar activities. The reforms are intended to provide clearer and more coherent statutory frameworks to support contemporary Defence activities while strengthening governance and accountability arrangements.

What are the Defence Capability Framework and Defence Security Zone Framework?

The Defence Capability Framework provides a statutory framework supporting Defence capability activities, including the development, testing, evaluation, certification, operation and sustainment of Defence capability.

The Defence Security Zone Framework provides a modern framework for protecting Defence personnel, facilities, information, activities and capability from security risks.

Together, the frameworks give clearer legislative authority for contemporary Defence activities while incorporating safeguards and oversight arrangements.

How do the reforms compare with existing Defence legislative frameworks?

Existing legislation deals with capability development and security in a piecemeal way, and does not cover the full range of Defence activities undertaken in Australia. It does not account for new and emerging technologies, and is no longer fit for purpose in an environment characterised by rapid change.



The new frameworks offer comprehensive and flexible mechanisms to support defence capability requirements now and in the future.

Do the reforms expand Defence's powers without oversight?

No.

A significant feature of the Bill is the strengthening of governance, oversight and accountability arrangements.

The reforms include statutory limits on powers, approval requirements, reporting obligations, review mechanisms and independent oversight intended to support lawful and appropriate decision-making.

What oversight and accountability arrangements apply?

The Bill expands the functions of the Inspector-General of the Australian Defence Force in relation to activities conducted under the new frameworks. The Parliamentary Joint Committee on Defence is also provided with an enhanced scrutiny role.

These arrangements complement existing accountability mechanisms, including Ministerial responsibility, Parliamentary scrutiny, judicial review and other independent oversight bodies.

Are decisions made under the frameworks subject to legal scrutiny?

Yes.

The reforms operate within Australia's existing legal system and accountability framework.

Activities conducted under the frameworks remain subject to applicable legal requirements, including statutory obligations, oversight mechanisms and continuing scrutiny by courts and other authorised review bodies in accordance with existing law.

Will decisions under the new frameworks be subject to judicial review?

Decisions under the new frameworks will be subject to judicial review, in accordance with ordinary public law settings.

How do the reforms interact with administrative law principles?

The Defence Security Zone Framework includes a number of decisions that are subject to merits review, including through Administrative Review Tribunal. Decisions are subject to judicial review, including in cases where instruments are beyond the scope of authority set out in the legislation.



Do the reforms create new delegated legislative powers?

Yes. The reforms include mechanisms for the Minister for Defence to make rules and give directions by legislative instrument. This is necessary to ensure the frameworks operate flexibly in different contexts over time. Rules will be by legislative instrument, subject to disallowance by the Parliament.

The only exception is in very limited cases where rules relating to the Defence Capability Framework may not be registered as a legislative instrument on the basis that publication may prejudice Australia's defence or international relations. In those cases, rules must be provided to the Inspector-General ADF, who provides an independent oversight role.

Do the reforms affect constitutional arrangements?

No.

The Bill does not alter Australia's constitutional arrangements relating to the Australian Defence Force or the respective roles of Parliament, the Executive Government and the courts.

Do the reforms affect environmental, cultural heritage or native title protections?

No.

The reforms do not remove or diminish existing environmental protections, cultural heritage protections or native title rights and interests.

Existing legislative frameworks governing these matters continue to apply.

Do the reforms create new regulatory obligations for the public or businesses?

No.

The reforms provide statutory frameworks supporting Defence capability and security activities. They do not establish a general regulatory regime applying to members of the public or Australian businesses.

How do the reforms support transparency?

The Bill includes governance, reporting and oversight mechanisms intended to support transparency and accountability in the exercise of powers under the new frameworks.

Establishing clear statutory authorities, together with enhanced oversight and Parliamentary scrutiny, provides greater transparency than relying on fragmented legislative arrangements.

Where can I find further information?

Further information on the Defence Capability Framework and Defence Security Zone



Framework, including detailed explanations of specific provisions, powers, safeguards and oversight arrangements, is available in the accompanying fact sheets, explanatory materials and parliamentary documents supporting the Bill.